



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

52

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,447	09/23/2003	Kung-Cheng Tu	08409.00046-00000	9450

7590 05/17/2005

Finnegan, Henderson, Farabow,
Garrett & Dunner, L.L.P.
1300 I Street, N.W.
Washington, DC 20005-3315

EXAMINER

RAO, SHEELA S

ART UNIT	PAPER NUMBER
----------	--------------

2125

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/667,447

Applicant(s)

TU ET AL

Examiner

Sheela Rao

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-14 are presented for examination and are pending.

Drawings

2. The drawings filed on 23 September 2003 are sufficient for examining purposes. Applicant is reminded that formal drawings must be submitted at the time of allowance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 6, and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Each of the independent claims, 1, 6, and 11, includes the limitation of determining the failure of amendment entries; it is unclear what functionality this refers to since text/data cannot "fail". Claims 1 and 6 recite "the agent resends the second text file". The "resend[ing]" of the text file lacks functional antecedence. A file cannot be resent when it has not initially been sent. Appropriate correction required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-14 rejected under 35 U.S.C. 102(e) as being anticipated by Cook (US Patent No. 6,668,262 B1).

Cook teaches of a technique used for modifying a database. The method and apparatus as disclosed in the reference includes a database wherein a plurality of identifiers (i.e. name, number, identification data, etc.) or attributes are stored. Additionally, this database records operation entries which are used to enter or revise identifiers and data records in the databases. See column 6: line 52 through column 7: line 16. The data manager used in the reference functions like the agent as per the instant invention. The scheduling subsystem of the instant invention equates to the processor in the patented invention that completes the entering of the data and determining the presence of errors. A second text file for collecting the failed entries is taught by steps 106 and 108 in Figure 2; wherein an error detection value is generated and used to verify the validity of the operation entry and is then stored in the journal, see column 7: ll. 66, et seq. Finally, the resending of the second text file and the collected failed entries to the processing system for further editing of the product attributes is taught by the patented invention wherein the database manager or agent restarts the journaling of the operation entries, see column 8: ll. 11-13. Cook teaches the limitations of instant claims 1, 6, and 11 as stated heretofore. The use of the database within a system for manufacture of products is not disclosed by the reference of prior art. The environment of use as stated in the preamble of the instant claims is not given much weight as there is no nexus between the preamble statement and the textual portion of the instant claims.

With regard to claims 2, 8, and 13, wherein the aspects of the product attributes is claimed, Cook explains the makeup of the identifiers as being a name, number, string of characters, or data that identifies some entity. The specific allocation of information for the identifiers can be assigned based on the environment of use of the database, as is well known in the art. See column 6: ll. 57-60.

As per the limitation of instant claim 3 which limits the featured product to be LCD's and semiconductor wafers, the type of products used in the process of manufacture and data used in the database is dependent upon the field of implementation. Again, the lack of nexus between the preamble of independent claim 1 (from which claim 3 depends) applies.

Regarding instant claims 4, 9, and 14, the two text files or databases comprising the same text file format is acknowledged by the reference of prior art since the database is copied and the operation entries from the journal are applied to the copy of the database so as to produce a modified version, see column 4: ll. 35-38.

With regard to the division of the entries into a plurality of batches that are amended on a batch-by-batch basis, as per instant claims 5, 10, and 11, Cook teaches the entry of the operative data to form a sequence which is used when applying the entries to modify the databases. Then the databases are modified based on the operation entry. Finally, the agent checks the journal to determine if there are any remaining operations before ending the updating process. See column 9: ll. 60 to column 10: ll. 4, in reference to Figure 4.

The method of repeating steps of amending, determining, collecting, and resending of the product attributes as per instant claims 7 and 12 is taught by the patented reference at column 8: ll. 17-24. The method of updating and ending the journaling process and then subsequently, restarting upon receipt of additional entries is detailed.

For the reasons stated above, the limitations of the claimed invention are taught by the prior arts of record; thereby, rendering the instant claims unpatentable.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela Rao whose telephone number is (571) 272-3751. The examiner can normally be reached Monday - Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (571) 272-3749. The fax number for the organization where this application or any proceeding papers is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. It should be noted that status information for unpublished

Art Unit: 2125

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should any questions arise regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sheela S. Rao
Patent Examiner
GAU 2125

SSR
May 11, 2005